

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID W. HULL,)	
)	Civil Action No. 08 - 1676
Plaintiff,)	
)	Magistrate Judge Lisa Pupo Lenihan
v.)	
)	
CHRIS EYSTER, Esquire,)	
)	
Defendant.)	

MEMORANDUM ORDER

On December 15, 2008, this Court granted Plaintiff leave to proceed *in forma pauperis* and ordered him, within twenty days, to authorize payment of the initial filing fee in the amount of \$5.66, together with subsequent monthly installments, by returning to the court a signed AUTHORIZATION form. Instead, on January 7, 2009, Plaintiff sent correspondence to the Court indicating that he should not be required to pay the \$350.00 filing fee. In response, the Court notified Plaintiff that he was statutorily required to pay the filing fee and this Court was without any authority to allow an incarcerated plaintiff to file a civil lawsuit without paying the filing fee (doc. no. 6). As Plaintiff has failed to send his authorization within twenty days as ordered by this Court on December 15, 2008, this case shall be closed without prejudice to Plaintiff refiling this action and complying with the statutory requirements applicable to prisoners proceeding *in forma pauperis*.

IT IS HEREBY ORDERED, this 10th day of February, 2009, that this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

DAVID W. HULL, 07657068
U.S.P. Allenwood
P.O. Box 3000
White Deer, PA 17887

/s/ Lisa Pupo Lenihan
Lisa Pupo Lenihan
United States Magistrate Judge